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W.P.No.27657 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27657 of 2022

P.Prabhakaran

... Petitioner

Versus

1. The Director of Public Libraries,
737/1, Anna Salai,
Chennai-600 002.

2. The District Library Officer,
Dharmapuri, Dharmapuri District

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying this Court to issue a writ of Mandamus directing the respondents to
promote the petitioner as Grade II Librarian on par with his juniors as mentioned
in his representation dated 05.10.2020 and grant him all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondents :Mr.S.Yashwanth
AGP

ORDER

This writ petition has been filed for a Mandamus seeking for a
direction to the respondents to promote the petitioner as Grade II Librarian on
par with his juniors as mentioned in the petitioner's representation dated

<https://www.mhcojgdn.gov.in/judis> 05.10.2020 and grant all consequential benefits.



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2. According to the petitioner, disciplinary proceedings were initiated against the petitioner in the year 2008 under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules in respect of six charges. Thereafter, the disciplinary authority, based on the enquiry report, imposed punishment of stoppage of increment for three months without cumulative effect and withheld of promotion for five years. Aggrieved by the order of the disciplinary authority, the petitioner preferred an appeal before the Director of Public Libraries, Chennai-2. The appellate authority, by order dated 20.05.2016, modified the punishment on the petitioner as Censure. Since the punishment was modified as Censure, according to the petitioner, the original punishment will have to take effect from 29.12.2014. According to the petitioner, in view of the earlier punishment order, though he was eligible and qualified for inclusion in the panel for promotion to the post of Grade II Librarian as on 01.01.2016, his name has not been included in the panel for the years 2016, 2017, 2018, 2019 and 2020 on par with his juniors. The petitioner has given a representation on various dates to promote him on par with his juniors as Grade II Librarian. The last representation was given on 05.10.2020. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.P.Rajendran, learned counsel appearing for the petitioner

<https://www.mhc.tn.gov.in/judis>

and Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on



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behalf of the respondents. By consent of both the parties, the main writ petition

has been taken up for final disposal.

4. No prejudice would be caused to the respondents if the petitioner's representation, seeking for promotion to the post of Grade II Librarian on par with his juniors is considered on merits and in accordance with law within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 05.10.2020, seeking for promotion to the post of Grade II Librarian on par with his juniors, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

17.10.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

ABDUL QUDDHOSE, J

sr



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